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SPEECH

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MR. WM. COST JOHNSON, OF MARYLAND,

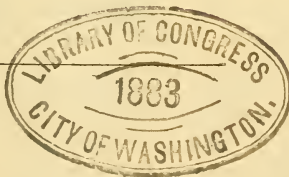
ON THE BILL TO APPROPRIATE THE PROCEEDS OF

THE SALES OF THE PUBLIC LANDS,

AND TO GRANT

PRE-EMPTION RIGHTS.

Delivered in the House of Representatives of the United States, June 25 and 29, 1841.



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SPEECH.

Mr. WM. COST JOHNSON proceeded to address the committee in explanation and support of the bill.

He said it was not his purpose to trespass long on the time of the committee. If he had consulted his own convenience, he should have submitted the bill on its own merits, without saying a word in its favor. He was well convinced that, at this day, but little new could be said on the general subject. The bill, though varying from any before submitted, embraced questions which had been subjects of discussion from the foundation of the Government down to the present time. He yielded, however, to what custom seemed to have rendered a matter of necessity, in making a few remarks in relation to the merits of the bill. He was induced to do so, first, because the committee had forborne to accompany it with any report, thinking, with him, that the measure was one which would bespeak the considerate attention of the House in its favor, and being persuaded that all the members of the House were already so familiar with the merits of the subject that no arguments of the committee were likely to change the opinions of many, if any, of this committee. It seemed, however, almost a political impossibility that any measure, how obvious soever its propriety, could pass the ordeal of a Committee of the Whole on the state of the Union, or of the House itself, without more or less discussion. He was, therefore, compelled to yield to what might almost be denominated the mandate of public opinion here, and trespass for a few moments on the kind indulgence of the committee.

The question was one of such vast national moment, of such deep concern to the People of the whole Union, he might seem remiss, should he fail to present, in as few words as possible, some of the reasons which induced the committee to introduce the bill.

To go into a history of the public lands would occupy the time of the committee beyond the limit of its patient endurance. To go into a minute examination of the question, in all its aspects, would be a task of no small labor. From this he should refrain, as he had on a former occasion spoken at large on the subject, and because he knew that he was addressing on this floor the intelligence of the committee, most if not all of whom had devoted much anxious and patient study to the whole subject, and who understood it quite as well, if not better, than the humble member who now addressed them.

The public lands had constituted a fruitful subject of discussion from the foundation of the Government to the present time. Indeed, ever since the date of our earliest struggle with the mother country, these lands, and the proper disposition of them, had been discussed—in the first Congress, in the Convention which formed the Constitution, in the Conventions which formed the State Constitutions, and in the State Legislatures, so as to render the subject familiar to the whole body of the nation. It had been, he would not say a vexed, but certainly a compend question, interwoven with our National and State policy, and the whole genius and spirit of our institutions.

From the very inception of the Government, from the date of our confederated alliance as a Union, the disposition of the public domain had been viewed as a subject of paramount consideration. One of the greatest difficulties to the formation of the Union itself was to be found in the fact that many of the States out of which it was to be formed claimed as their own the vast unimproved territory which had

before formed what was then familiarly known as the "Crown lands;" while others resisted that claim on the ground that the Crown lands had been wrested from the possession of the British Government by the united effort of all the States, and that they should therefore inure to the benefit of our entire People, and to that of each State in particular, according to the "federal numbers" of its population, and its portion of the common burden and expenditure for the benefit of the general alliance.

Mr. J. said he would not trespass on the patience of the committee by a particular reference to the acts of cession, or to the charters of the States, further than to say that the Congress of the United States regarded the cessions by the other States as not on so broad a basis as those made by Virginia and Georgia, who, with a magnanimous generosity peculiar to themselves, surrendered their own claims and ceded the entire domain to which those claims referred, to become the public property of the whole Union. The lands were ceded to the General Government as trustee for all the States of the Confederacy, to be applied to the benefit of the whole. Mr. J. should not pause to dwell on the stern refusal by Delaware, New Jersey, and Maryland, to join the other confederated States, though in the darkest and most perilous hours of the great national conflict, because the other States claimed the whole of these public lands, and to unite with them would be to join States whose population, wealth, and power, were such as must soon absorb every thing to themselves, and place these smaller and weaker communities as between the upper and the nether millstone. Maryland, during three of the darkest years of the Revolutionary war, had on this ground refused to confederate with her sister States. Her argument had been, that if, even in the midst of such a conflict, those other States could insist on such a claim as they advanced to the entire body of the public lands, much more might they be expected to adhere to it in the hour of final victory, and that they must, in the end, crush and break down the smaller States that should unite with them under the admission of such a claim. This argument had great influence with the old Congress, and still more with the larger States themselves; and so deeply did they feel its equity, that they actually surrendered their entire claim to the Crown lands, reserving to themselves only a fair proportional participation in the proceeds of their sales, in common with all the other members of the Confederacy.

Mr. J. said he might here trace down the history of these remonstrances by the smaller States, and show the various acts of their State Legislatures in regard to those lands. Maryland, Delaware, and New Jersey had all recorded their solemn protest against the exclusive claim of the larger States at the time they formed their State Constitutions. The same doctrine might be traced down through all their legislation to the present day, and show by recorded evidence that these States all claimed that the public lands were a common fund, to be divided for the benefit of all the States, each in its due proportion. But he should not do it; he would rather reserve to himself the opportunity of doing so hereafter should the course of the debate render it necessary and proper, when he should claim the indulgence of the committee for half an hour or an hour for that purpose. He should for the present assume that the whole history of the public lands proved that they had ever been regarded as a common fund, to inure to the benefit of all the States. On this point he did not anticipate any strong opposition. He would trace this demand down to the period of the formation of the Federal Constitution, and, that point being settled, he should then proceed to the residue of the question, both as it respected the principle and the expediency of the distribution proposed by this bill.

He now came down to the period of the Constitution, and invited the attention of the committee to this position, that the framers of the Constitution never had viewed the public lands as a fund provided to carry on the operations and supply the wants of the Government. If this position should once be conceded, he should then claim that it would be a violation, not only of the Constitution, but of the

whole essence and spirit and genius of our Government, to devote the public domain to that use.

But before he dwelt on this essential point in his argument, Mr. J. said he would first give a rapid history of the efforts which had, at various times, been made to divide and dispose of the proceeds of the public lands.

Mr. J. had said, in the beginning, that the committee claimed no originality in the preparation of this bill. If he had stopped to trace the history of the past, he could have shown that the States of Delaware, New Jersey, and Maryland had ever claimed a fair proportion in the proceeds of the sales of these lands. He could refer, on the pages of their legislative history, to resolution after resolution, and report upon report, without going further up than the period when Maryland adopted her Constitution. She had sent forth that Constitution to the world, accompanied with an address unequalled in its ability and eloquence; in which her claim to a share in the public domain is expressly insisted on. Member after member from the delegations of these States, had, in Congress, urged the same demand. In 1821, Mr. Maxcy had made a report, containing an argument of unanswerable force and clearness. In 1823, Mr. White, and in 1826, Mr. Dickerson, of New Jersey, had advanced and defended the same doctrine. He could refer to twenty others. There was, however, in the case of Mr. Dickerson, this peculiarity: that he not only insisted on the right of all the States to a distribution of the proceeds of the public lands, but also to a distribution of the surplus revenue in the Treasury. The sinking fund had not then paid the whole of the public debt; but Mr. D. had foreseen that it shortly must effect that desirable object, and he therefore proposed that the surplus coming into the Treasury should be divided among the States, to be applied to purposes of education and of internal improvement. The argument of Mr. Dickerson had been answered thus: by the act creating the sinking fund, the public lands are constituted a part of that fund; if you abstract the public lands, you violate the wise law recommended by the prudence and foresight of General Hamilton, and destroy the value of that fund. But that fund had now long ceased to exist. Mr. J. said he had referred to these things merely for the purpose of more fully sustaining the position he had taken, and showing that the object of the bill was strictly in accordance with the history of the past. He came back, then, to his position that the public domain had never been intended or expected to be a source of national revenue, or a means by which the Government should live—the aliment on which the Government of this vast nation should depend for its existence from day to day; on the contrary, he claimed that, by the Constitution, the powers of the General Government were intended to be adequate to meet and to provide for all the wants of that Government, without calling upon the States for a single particle of what was theirs. The States, in framing a General Government over the whole Confederacy, conceded to it the power to levy taxes on foreign imports and internal commerce, which they denied to themselves. It was argued in the Convention that, by conferring this power on the General Government, it would be rendered adequate to provide for all its own wants and liabilities, and would render the country powerful, independent, and happy. The argument triumphed, although it had been opposed by the ablest minds in the country. Of these, Mr. J. would refer to but one, and he had made, in his own State Legislature, the ablest speech that ever was made against the adoption of the Federal Constitution—it was Luther Martin, of Maryland. This gentleman had voted against the Constitution in the Convention, and on his return had defended that vote before his own citizens, on the express ground that the new Constitution went to render the Federal Government independent of the States, and placed them in an inferior and subservient condition; in fact, mere dependencies of that Government. Yet his argument, able as it was, and urged with an overpowering eloquence, had no effect to prevent the adoption of the Constitution; it had comparatively but little weight in the coun-

cils of Maryland ; the Constitution was adopted, and the State surrendered her revenue and all her right to regulate foreign and domestic commerce to the General Government, thereby arming that Government with power to meet every emergency and provide for its own continuance. But he would not dwell on this point. He looked at the Constitution as it stood, and there he found the power to lay taxes, duties, and imposts ; while the States had no resource to meet their necessities but that of direct taxation within their own limits.

The General Government, having been established by the States, was omnipotent over commerce ; but if the States had refused to adopt the Constitution, how great would have been the power derived to many of them from this source ! New York collected, now, nearly one-third of the revenues of the whole Union. How many such canals and railroads as she had made or was now constructing might she then have created at pleasure ! Her revenue from commerce would have built up such an empire as could scarce have been competed with by all the other States united. Boston could have done something of the same kind, though on a lesser scale ; and Philadelphia, instead of being burdened, as now, with a load of internal taxes, and coming here claiming a pitiful share in the Western lands, would have been the emporium of the whole West, and the mistress of the Atlantic. And then to come to his own Maryland ; had she retained the power of taxing commerce, how would she have spurned the thought of asking the aid of this Government for her great works of internal communication ! Those taxes would have made her independent of all external aid. She might have tapped the valley of the Mississippi, and poured a full tide of the wealth of the West upon her great Atlantic cities, and among all her enterprising population. Had Richmond and Norfolk the ownership of the duties on foreign and domestic commerce, with what lofty pride would they have scorned the thought of coming and asking of this Government, to whom they had given an empire, to do the act of justice, equity, and sound policy which was proposed to be effected by the present bill ! And might not the same be said with equal truth of South Carolina and Georgia ? What an immense power had the States thus surrendered up to the General Government for the general welfare ! True, that Government might, from timidity or some narrow views of policy, refuse to exercise the power ; but the power itself was omnipotent ; it was a high, transcendental attribute of sovereignty ; figures could not estimate it. And, after the States had thus forborne to retain a power that would have been to them like the touch of the enchanter, filling their coffers with gold at will, ought the General Government, to whom they confided the formidable trust, to forbear to exercise it for the supply of its own wants, and prefer to prey like a vampyre on the property of the States which had created it ? Had little Rhode Island, that star of the ocean, refused to join the confederacy of States, and reserved her own inherent sovereign power to regulate commerce, what might not, at this day, have been the amount of her wealth and influence ? She might have vied with New York itself, and even surpassed it in opulence. All this she had given up—given it up to this Government—not to be neglected, but to be used for the public good of the whole.

Could it ever have been designed, by the framers of the Constitution, that such a power as this was to lie dormant—to remain inert ? Was it ever anticipated, by those enlightened and high-souled men, that an American Congress, either from nervous timidity or from some political dread, would be meanly fearful of exercising a power so great, but salutary, and, to shelter themselves from a just and manly responsibility, would resort to ravaging the resources of the individual States ? would live by withholding from them that which is their own ? Could any one of those venerable fathers of the Republic conceive that the National Legislature would throw open the ports of the country to the wines and the brandies of Europe, admit them duty free, and supply the place of the duties they ought to have levied, by turning round upon the virgin soil, that was the just property and inheritance of the States ? Did either the letter or the spirit and genius of the Constitution ever look to such a

result? If this question was answered in the negative, then all would be conceded that Mr. J. asked for to secure the votes of the committee for the bill upon their table.

Mr. J. knew the objections that might be expected to arise in the course of the discussion. There were but few of them he should be disposed to reply to. One objection would, doubtless, be, that the public domain had been dedicated to national purposes; that the statute books proclaimed this every where; and therefore the legislation of Congress must be made to conform to them. The bill would be denounced as an innovation; and the community would have many a solemn warning to be cautious how they disturbed what was now the established usage of this Government. But Mr. J. would appeal to the history of the past. He would abstain from opening the book and quoting chapter after chapter, and section after section, because he addressed an audience who were well informed in the history of their country; but if the necessity should be forced upon him, he should ask an hour to support himself by record evidence. Gentlemen would cry out innovation, but there was no novelty in it. They would say it went to violate the settled policy of the Government; that it was the introduction of a new era in our political history; and that it was inviting the States to prodigality. Now this was an objection Mr. J. would answer at once, and the answer would at the same time be a reply to another objection; and this would be killing two birds with one stone. The other objection was, that the distribution proposed by the bill would occasion an increase of the revenue. Before he touched this question, he would lay it down as a cardinal fundamental principle, an axiom that was interwoven with our Constitution, laws, policy, and legislative duty; and it was this: Congress is bound to exercise the power confided to it for the support of the General Government in all its wants, necessities, and requirements. Measure your wants—ascertain whether they are ten millions or twenty millions—and when the amount was known, then they were bound, as trustees for the People, to exercise the rights and attributes which had been entrusted to their hands. Who would deny this? Mr. J. was not to be alarmed by forced arguments. He assumed positions here without regard to the bearings they might have toward the North, the South, the East, or the West. He said that the position he had assumed in regard to the bill inferred no argument in favor of protective duties. But he did go for duties for revenue; and he contended that the measure of this revenue was to be found in the wants, the moderate and legitimate wants, of the Government. He asked every gentleman who heard him, came he from the North or the West, the East or the South, or from the centre, whether he could deny or attempt to controvert that principle? Well, that was Mr. J.'s position; on that he was willing to rest the fate of this bill.

But to come back to the point from which he had wandered. It would no doubt be gravely urged that, if the House shall pass this bill, it will be a departure from the fixed policy of the Government. The proceeds of the sales of the public lands never yet had been distributed among the States; and now, after having travelled in one road for fifty years, we were to strike out into a new path. It was to this point he claimed the attention of the committee. It would be said that, according to all the past history and the laws of this Government, the public lands had been held as a public fund, belonging to the Government, and merged in its aggregate revenue, to be applied to its general purposes and wants. Mr. J. admitted the fact, but he did not concede the conclusion which gentlemen would attempt to draw from it. What were the facts of the case? Let gentlemen turn back their recollection to our early history. When the revolutionary war had terminated in the independence of the Union, the Congress of the United States assembled, being clothed by the Constitution with all the high attributes of national sovereignty. What was its first act and its first duty? Did it adopt the wretched policy of oppressing and harrassing the States which were then in debt, as some gentlemen were disposed now to do, simply for the reason that the States *are* in debt? No; it was

foreign from their purpose. Let gentlemen read the documents ; let them refer to that immortal report of the Secretary of the Treasury in 1790. It was not then held to be the national policy to suffer the power to raise and collect a revenue to lie dormant and useless in the hands of Congress. It was not then held patriotic or democratic to oppress and embarrass the State Governments. Congress looked kindly upon them. It regarded them with a paternal eye. The General Government resolved to assume the debts of the States, and to use the public lands as a fund to liquidate those debts.

And now let not gentlemen on either side of the House say, because Mr. J. stated and commended this conduct on the part of the first Congress, that therefore he was in favor of a like assumption at the present time. He protested against any such inference ; he had no such purpose. His purpose was simply to show that the Government did then assume the State debts ; and that the public domain, by consent of the States, went into a general fund, to liquidate their debts. Mr. J. would not now read even an extract from the elaborate arguments which had been brought forward by the able financiers of that day, but he found that Congress came to this result. They assumed in behalf of New Hampshire a debt of \$300,000 ; of Massachusetts, \$4,000,000 ; of Rhode Island, \$200,000 ; of New York, \$2,200,000 ; of New Jersey, \$800,000 ; of Pennsylvania, \$2,200,000 ; of Delaware, \$200,000 ; of Maryland, \$800,000 ; of Virginia, \$3,500,000 ; of North Carolina, \$2,400,000 ; of South Carolina, \$4,000,000 ; (do gentlemen hear ? *Four millions for South Carolina !*) of Georgia, \$300,000. Now, what had been done with the public lands ? They were pledged to pay this debt. South Carolina had come up supplicating the Government to pay her debt of four millions ; while Maryland, who was not then considered as possessing much political power, however times might since have changed, (for she had as many Representatives then on the floor of Congress as New York,) had received but eight hundred thousand ; and yet, from the heights of Abraham to the swamps of the Pedee, the blood of Maryland was found mingling with every rivulet, and deeply staining every battle-field. But where was she now ? that Maryland, who, in the darkest hours of the Revolution, had stood forth as the champion of the public lands and of the public liberty ? Deceived and betrayed ; told by the General Government to enlarge the width and increase the depth of her great canal, and make it a highway for the national ordnance, and the General Government would liberally aid in its completion ; and, when she had done it, reproached with her own embarrassment and deserted by the Government. She asked no more now than she had asked fifty years ago. She had claimed then her own fair proportion of the public domain, and she claimed it still. Would this Government tell her that it was afraid to raise a revenue by laying a tax on French wines and French silks, while France was exacting duties at the rate of a thousand per cent. on her tobacco ? Would this Government answer her, " Go crucify your citizens with tax upon tax, drain them of their last dollar, and, if that will not do, let your State be sold by the sheriff ? "

Would gentlemen tell him that Maryland must stand still and let this General Government prey upon her substance, and fatten the wine-growers of France by receiving into our ports seventy millions of dollars' worth of goods duty free, while her own people were oppressed and ruined ? Mr. J. warned gentlemen to reflect well before they placed such States as Maryland and Pennsylvania in a position like this. He would admonish that the days of 1790 might come round again. But he would not press a topic like this ; he would say to gentlemen, give us our dues, and, that you may do so, exercise your own rights properly and manfully. To sport with the interests of powerful and sovereign States was the way to produce a reaction which all must lament to witness. There was a potential influence, he might say an omnipotence, in public opinion. It overrode all metaphysics, and it would act in conformity with the spirit and genius of our free Constitution. Mr. J. hoped never to see the ultimate position assumed. Young as he was in public life, and obscure

and inefficient as he might be on that floor, none had been more efficient in keeping off a question which lay in the rear of this, and which must, and which would, come up if the States were refused what they had a right to demand. At the date of the Constitution, the whole importations of the Union were hardly a tithe of the amount which now entered our ports duty free. Yet even then the Government was able to liquidate all the debts of the States, and still to grow and to flourish as no nation ever had grown and flourished, until she became the western giant—an asylum for the world, the terror of tyrants, and the wonder of every nation on the globe. And was Congress, at this day, to be scared at exacting less than it exacted then? Then it was required to pay the debts of all the States, principal and interest. Now it was only asked to distribute the public lands, and the States would take care of all their own engagements. Was this a scare-crow to be placed before the House? Was this a thing to frighten a Government that was admitting into the country seventy-one millions worth of goods duty free? Because gentlemen asked the Government to distribute three millions a year among the States, were they to be told that they were oppressing and grinding down the People of the United States? With a revenue of hardly seven millions, the Government had assumed the debts of all the States; it had paid those debts; it had paid off the whole debt of the Revolution; it had paid off the debt of a second war; it had a population of seventeen millions, and free imports to the amount of seventy-one millions; and yet it was to be scared at the thought of distributing three millions among all the States! Mr. J. could never believe that the South would be quite so skittish as all that. He knew that ingenuity would be taxed for arguments, and he knew the power of impassioned eloquence; but still he thought that he could not so far have mistaken this Congress as that they were to be alarmed out of their sobriety and self-possession by ghosts like these.

Mr. J. (without concluding) here gave way to a motion that the committee rise.

Which motion prevailing, the committee rose, reported progress, and obtained leave to sit again.

TUESDAY, JUNE 29.

Mr. W. C. JOHNSON, when the land bill again came up to-day, resumed his remarks in favor of the bill.

He said that, when he was arrested in his remarks on Friday last, he was endeavoring to show that, according to the genius, the spirit, and the letter of the acts of cession, the public domain never was intended as a source of national revenue for the purpose of supporting and carrying on the wants and expenditures of the General Government. How far he had succeeded in sustaining that position, it was for the committee to determine. He had, at least, convinced himself, and he could not change his opinion, unless some argument or evidence should be furnished to the committee such as he had not met with in his reading and investigation of this most important subject. He had then stated that, if that fact were conceded—if the position which he had assumed was tenable, then the whole ground of opposition must be surrendered, and the question of expediency alone remained, whether, with the power delegated by the framers of the Constitution to the General Government, the public domain, or the proceeds of the sales of the public domain, should be divided among the States, or whether they should continue to remain a part of the public fund for the support of the General Government.

Before he concluded, he would endeavor to offer an argument, which, he hoped, would demonstrate that the proceeds of the sales of the public lands, upon any ground of law, of principle, or of expediency, should not remain in the coffers of the nation for the purpose of being expended by the General Government. He had referred, by way of illustration, to the law of 1790, which assumed on the part of the General Government the debts of the States. To illustrate this position, he could refer

to the language of the then Secretary of the Treasury—to that famous report of Mr. Hamilton in 1790; that convincing and strong argument which he then made in favor of assuming the State debts, upon the ground that the General Government, by the very language of the Constitution, did arrogate to itself supreme power over the whole question of commerce; that the States were stripped of that power, and, consequently, of the means of liquidating the immense debts which they created in the war of the Revolution.

He, however, would not dwell longer on that point. Anticipating for a moment an argument which might be urged against this bill, that the revenues of our National Government were not now overflowing, he might respond by stating that they were not overflowing at the time of the assumption of the State debts by the General Government, soon after the Revolutionary war. But, looking to the quarter from which such an objection might come, he would meet it by saying that, if we traced the history of the past to a later period, we should find that an eminent Senator, (to whom he had referred when he last addressed the committee,) Mr. DICKERSON, of New Jersey, in 1826, long before the liquidation of the national debt, made a report in the Senate of the United States in favor of dividing the proceeds, not of the public lands, but of dividing a portion of the proceeds of the *revenue* among the States, and for postponing for a time the liquidation of the national debt, (according to the law which created and established the sinking fund,) on the ground that the revenues of our Government, notwithstanding its heavy debt, were adequate not only to meet all the wants of the Treasury and to liquidate the national debt, but, at the same time, and *pari passu*, to divide five millions of dollars for a series of years among the States; and, after a certain specified period of years, to divide the sum of ten millions of dollars among the several States. Upon that report the Senator made a speech with elaborate care, as his report had been the result of great reflection and preparation; and he (Mr. J.) would say that, whilst he would not even agree fully with the sentiments of that speech, it was the ablest which that gentleman made in public life, and it was *the* speech which gave him the reputation that induced General Jackson to invite him into his cabinet and to become one of his cabinet advisers.

[Mr. PICKENS said that he (Mr. DICKERSON) was a protective tariff man.]

Mr. JOHNSON. I will read from the report itself his arguments. Here they are:

“As a large portion of this debt is payable to persons in Europe, to discharge it as fast as our means would permit would be to send from the country, sooner than necessary, funds that are wanted at home; the inconvenience of which would be sensibly felt in the present embarrassed state of our moneyed market, and most probably for several years to come.

“Money distributed as proposed would give new activity to industry and enterprise in all the States, and that equally and simultaneously.

“It would create a vigilance on the part of the State Governments over the expenditures of the General Government, and thereby prevent the waste of money and the adoption of extravagant measures that might diminish the amount of the annual dividends.

“It would secure impartial justice to all the States in the distribution of the expenditures of our revenue, a failure of which at present is a subject of loud and just complaint.”

“It would relieve the two Houses of Congress of a large portion of legislation now devoted to the disposal of our surplus funds—legislation of the worst kind, calculated to produce combinations, sectional feelings, injustice, and waste of the public treasure.

“It would transfer to the States the regulation of the expenditures for internal improvements by roads and canals, which, if retained and exercised by the General Government, contrary, as is believed by many, to the spirit and letter of our constitution, will, in time, so far decrease the powers of the State Governments, and increase those of the United States Government, as to destroy the federative principle of our Union, and convert our system of confederated republics into a consolidated Government.

"It would remove the cause of the great and increasing difficulties arising from an objection on constitutional grounds to the exercise of the right claimed on the part of the United States of making roads and canals through the different States of the Union.

"It would enable the General Government to keep in operation an efficient system of finance and revenue with advantage to the States. And, should the exigencies of the country require the application of all our means to some object connected with our national peace and prosperity, those means could soon be brought into operation by suspending for a time the dividends to the States. By this, our Treasury would be filled without a sudden resort to new taxes, which might be oppressive to agriculture, and which might create much inconvenience by interrupting the pursuits and industry of our citizens.

"Money collected from the sources which now give us our revenues, and distributed among the States as proposed, would produce a rapid and profitable circulation of our funds from the centre to the extremities of the Union, and thus add to the force of the moneyed capital of the country."

Here (Mr. J. continued) the strong State rights ground was taken, that, by giving to the States their own property, it would give them the power of creating and establishing internal improvements themselves, thus relieving them from the annual, perpetual, unceasing calls upon the General Government to aid them in their great State works. That was the argument urged by Mr. Dickerson—that even the public revenue from customs as well as from the public lands might be divided among the States, so that the States, in their independent and sovereign capacities, could carry on their works of internal improvement without imploring and beseeching the General Government to aid them in those laudable and essential undertakings. He (Mr. J.) might pursue the argument, read the report, and quote from the speech of this gentleman, but it was sufficient for him to know that, at that time, Mr. Dickerson took grounds a thousand times broader than he (Mr. J.) was willing to take, and that he maintained those grounds with an ability rarely, if ever, surpassed.

But he (Mr. J.) might refer to still higher authority—higher, at least, to some gentlemen on this floor, if not to the gentleman from South Carolina, [Mr. PICKENS, who had put an inquiry to Mr. J. which the reporter could not hear.] He (Mr. J.) might refer to the message of General Jackson himself, who took distinct ground in favor of the distribution of the public revenue, and who, at that time, made an argument, convincing and converting to all his friends, and through the whole expanse of the nation. Would not the history of the past give us some light in relation to the present? And, he would ask, if gentlemen did not subscribe to all the broad and latitudinous doctrines of Mr. Dickerson and General Jackson, might they not, at least, narrow it down to something like a tangible, constitutional, legal, and equitable principle, and say they would not take these arguments in the aggregate, but that they would see if there was not a fund, in this great national exigency of ours, to be found somewhere, upon which the States might look with an anxious hope, and see if, by the use and appropriation of that fund, they might not relieve themselves, without embarrassing the General Government, from the debts—from the overshadowing gloom and misgivings which now oppress them? For his own part, he wished it to be distinctly understood, by those who might honor him by replying to his arguments, that he had not taken the broad and expansive ground assumed either by Mr. Dickerson, the favorite of General Jackson, nor by General Jackson himself, nor the ground urged by Mr. Hamilton in his report, and which Congress adopted in 1790, by the assumption of the State debts. He, (Mr. J.,) at this time, neither proposed the assumption of the debts of the States, nor the general distribution of the proceeds of the revenue from customs; but he stood here distinctly advocating the distribution of the proceeds of the sales of the public lands, and that point alone.

He had said, and he would now repeat, that, in the event of the General Government failing to do justice to the States, there was a question which might stand

in the rear of this. If Congress, in its policy, should determine to throw in here all the productions of Europe free of duty—to make the States but so many tributaries to this General Government, and to absorb all their means of living—if Congress should consult the interests of the producers of Europe, disregarding the States and the People who constituted those States, there might be a reaction in public opinion. Public sentiment might lead to the inquiry whether the General Government, as a faithful trustee, not only to dispose of the proceeds of the sales of the public lands, but as a trustee bound to execute and exercise all the high trusts which had been reposed in it—as a trustee bound to administer the Constitution of the United States to the several States—had discharged those various, responsible, and imperative duties with fidelity—whether they had exercised their powers and their legitimate attributes for the benefit of our own or of a foreign country. It might become a matter of inquiry whether there was not a power in the States that might appear here and speak in a voice more potential than any that may now be heard in this Hall—that might require of them, whilst they fail to exercise the powers they have, to exercise them in a higher degree than by the bill that is now before you. He said this for the purpose of warning his friends every where who were opposed, as at this moment he himself was, to the assumption of State debts, whether they had not better place the States in their true position, and the General Government in its true constitutional position: thus benefiting both the General Government and the States, and keeping off the other question that lay behind. That was his ground. He went for a distribution of the proceeds of the sales of the public lands. Reject that measure, and he, for one, should examine and reflect upon the genius of the Government and the power of the States, and on their rights, before he took a step as to the future. He would never be found in favor of exercising the powers of the Constitution for purposes of neglect or oppression, or in disregard of the interests, the sentiments, and the feelings of the People of the States of this Confederacy.

He came now to speak of the question of expediency. Leaving the constitutional question—leaving the arguments deducible from the history of the past, he came now to rest this question upon a mere point of expediency. And he asked, now, if it was not expedient that the proceeds of the sales of the public lands should be divided among the States?

Before he went into that question, he would refer to an argument which might be made in opposition. It would be said, why do you wish to pass this bill when the revenues of the General Government are not equal to its wants? Will you press such a measure when the chairman of your Committee of Ways and Means [Mr. FILLMORE] has reported a bill authorizing a loan of twelve millions of dollars? Will you urge the argument of expediency, and talk about dividing the proceeds of the sales of the public lands, when your Treasury is empty? Will you urge distribution when you have nothing to distribute? Well, in response to that, he would ask members of the committee to take up the report of the Secretary of the Treasury, to examine that document, and to see whether they had not materials enough upon which they could legislate, not only so as to meet the present and future liabilities of the nation, and to divide this fund, but to do so without embarrassing any portion of the Union. They might even go on and double the amount. They might even go as far as Mr. Dickerson and General Jackson.

What were the facts? He found that Mr. Hamilton, in his first report, recommended to Congress to lay something like a duty of twenty-five per cent. on Madeira wine. According to the report of Mr. Gallatin, in 1809, more than a million of dollars were raised in this nation upon the article of wine alone.

Looking at the report of the Secretary of the Treasury, we found that, from the year 1834 to the year 1840, the amount of articles imported into the United States duty free averaged seventy-five million seven hundred and twenty-eight thousand two hundred and twelve dollars. The amount paying duty was but sixty-nine mil-

lion seven hundred and forty-eight thousand four hundred and fifty-seven dollars. Thus, then, during this period of years, we received within our ports a larger amount of articles wholly exempt from duty than of those which paid duty. We found also, by the same report, that (in strict conformity with the compromise act) we might exempt from duty fourteen million three hundred thousand dollars' worth of articles; and yet, upon the residue of those imported now free of duty, and conformably to the spirit of the compromise act, we might place a duty of twenty per cent. and thus increase the clear nett revenue to twenty-two million five hundred thousand dollars. He would say to gentlemen who opposed these arguments that they must meet them. They, as statesmen, were bound not to study how they could best suppress or reduce the revenue of the General Government, or how they could most studiously absorb it all, but they were bound so to exercise the high trust which had been confided to their hands as to provide for the wants and carry on the objects of the General Government, without oppressing the States. Here, then, were the articles; here was the materiel; here was the subject-matter on which their judgment, their wisdom, and their legislation could act, and act, as he maintained, without oppression to any interest whatsoever.

Suppose that the revenue should be brought to but twenty-two million five hundred thousand dollars, according to the report of the Secretary. He asked gentlemen who had been with him here for the last eight or nine years, who had supported with zeal and ability the Administration which had just faded into obscurity, who had advocated and defended an Administration which had expended \$28,000,000 annually on an average, without giving the States one dollar, and which had absorbed the public domain—he asked them if *they* would now complain when they were told that the whole amount of revenue required to meet the wants of the Government was upwards of six millions less than the amount heretofore required? The party in power were for bringing the Government down to twenty-two millions of dollars, and, in doing that, they were to pay off a debt which the former Administration, in addition to absorbing all the surplus revenue which was found in the Treasury, had created. That Administration had created a national debt in the form of Treasury notes and outstanding debts to an amount (he could not speak precisely) certainly not less than twenty millions of dollars; and yet the party now in power told them that they would pay off this debt without expending twenty-eight millions of dollars, (as the last Administration had done,) and that this could be done by dividing the proceeds of the sales of the public lands, and without oppressing the People of any portion of the Union.

Gentlemen denied this, and exerted their ingenuity to disprove it: but though, in some of the opponents of this bill, all the faculties of nature had been cultivated to the highest degree, subtle and abstruse as gentlemen might be in their metaphysical powers, let them go tell the American People that this is a measure to oppress and injure them, because we are going to divide their own property among themselves, and see what success they would meet with. I expect, said Mr. J., that ingenuity and eloquence will do their utmost. I expect a rich treat in listening to all the able argument, the ingenuity, the force, the fire of imagination which will be arrayed against the bill; but after gentlemen have done their utmost to carry away the minds of the People and of those who represent them here by the torrent and headlong fury of their elocution, I shall recall them to the undeniable facts; I shall ask them to pause, and let their minds recover, and then I will invite them to look at figures and examine the cool results of calculation, and see, in truth and soberness, whether they can make it out oppression, that we are going to save six millions of the public expenditure—distribute the proceeds of the public lands—pay the current expenses of the Government, and liquidate besides the debts of a former Administration. Is this oppression? Can gentlemen make the People think it is? I will give them the basis, the materials of our calculation. I will point them to the seventy-one millions of dollars worth of foreign imports received duty free. I could refer them

were it proper to detain the committee by reading them, to report after report, from Secretary after Secretary, from the very beginning of the Government. I could recite act after act of successive Congresses, long, long before the proposition of Mr. Dickerson; long, long before the tariff of 1828, or the tariff of '24 even. I could show them that, long before both these acts, this Government was able by its revenue power alone to pay the national debt and the debts of the States by millions and hundreds of millions, and yet grow as nation never grew before, and flourish as nation never flourished since the foundation of human society. And I now say that Congress need not impose such a rate of taxation as it has formerly imposed, and yet will have enough of revenue to pay the debts bequeathed to it by the late Administration, and to divide the proceeds of the public lands besides.

I will meet the question here—at once. I am not for supporting this Government upon the dry diet of Treasury notes. I reprobate that whole system. I am for none of these flimsy attempts at concealment. I am for telling the People openly and honestly that there is a national debt: for Treasury notes are nothing more or less than so much public debt. I cannot see what alarm this measure is calculated to create. I was astonished that the gentleman from South Carolina [Mr. PICKENS] should have taken ground so resolutely against it, and I shall be yet more surprised if his constituents do not take the directly opposite ground. Coming down, then, to the question of expediency, I think I have shown that the bill ought to pass if it were on considerations of expediency alone.

I might here, at this point of my argument, dwell a little upon the doctrine of State rights—a doctrine to which, above all other things, I am zealously devoted. I press this measure on the committee on the ground that it is a State rights measure; without any metaphysics, it is palpably and plainly a measure which we are bound to carry into effect for the benefit of all the States. Say, is it politic, that is, wise, to absorb within the grasp of this great central mammoth Government all the resources of the States? to build up here in the midst of them a grand overpowering Republican monarchy? Will you legislate with anxiety to destroy all State supremacy, to sap the vigor of the State power, and to build up a sovereign authority, whose aim and work it shall be to injure and to oppress the States for the benefit of the wine growers and the silk producers of France? The argument against the bill seems to be an argument the tendency of which is to double and treble the resources of this General Government by depressing those of the States, and to invite all the luxuries of Europe into the ports of the country free of duty. Such at least is and must be the inevitable consequence of the positions which are assumed. Here we are to have seventy-one millions of foreign products received duty free, when there are not seventy-one millions on deposit in all our banks, nor in circulation in the country! Yet every year seventy-one millions are to go to Europe to build up the interests of foreign industry, while three million and half of dollars, rightfully belonging to the States, is every year to be absorbed in the wants and purposes of the national Treasury, still further to impoverish the States, and still further to build up the interests of foreign producers.

Let me refer gentlemen to considerations which cannot but have weight in the mind of every man that loves his country. I am not, I repeat it, in favor of a *protective* tariff; I go solely for a tariff for revenue. If this shall incidentally protect our own industry, so much the better. Now it is a fact that we send 98,320 hogsheads of tobacco abroad every year. It is the produce of several of the States, chiefly of Maryland, Virginia, and Kentucky; and what does France do when it gets there? She lays the moderate duty of one dollar per pound upon every pound of it. In the mean time, what duty do you impose upon her wines? What did Hamilton recommend that you should impose? What did Gallatin advise? Do you raise, as once you did raise, a revenue of a million of dollars on the article of Madeira wine alone? No. What revenue does France derive from the 10,346 hogsheads of tobacco we send her? And what do we receive from 10,346 pipes

of French wine? I wish any gentleman would inform me. I should like to hear. Will any gentleman tell me? I pause for a reply. There is a general silence. Will the honorable gentleman from South Carolina [Mr. PICKENS] be so good as to inform me?

[Mr. PICKENS, speaking across. It comes free of duty.]

Yes; it comes, as the gentleman tells me, free of duty, or almost duty free. And what does France receive as duty on the 10,346 hogsheads of our tobacco?

[Mr. PICKENS. It is a mere stimulant, and poisonous.]

Yes, they are both stimulants and both poisons. And France makes out of this stimulant a revenue of TEN MILLIONS of dollars. Will the gentleman from South Carolina now go back to his people and tell them that we are ruining the people, oppressing them, grinding them to the earth because we propose to lay a duty on these wines, and to give the People the produce of their own lands? Is it cruel oppression that we should lay, say, a duty of twenty per cent. on the wines of France, when France levies a duty of ONE THOUSAND per cent. on our tobacco? Does any gentleman here flatter himself that he is going to get the People to say that this is an outrageous proceeding? I think he will find himself mistaken.

Well, sir, and what does the gentleman's beloved England, with all her alleged pride and arrogance, what does she, in her lenity to the United States, exact upon these 98,320 hogsheads of our tobacco? She lays on a duty equal to *a thousand* per cent. and out of American tobacco entering her ports she raises an amount of eighteen millions of dollars every year, while we demand for the present administration of this Government but twenty-two millions, to be raised from the imported products of the whole world. I press this fact upon gentlemen. We ask Congress to raise but four millions more, for all the wants of the Treasury, than England raises on our tobacco alone. Do gentlemen pretend to tell me that a Congress is to be reprobated, and the members who compose it to be condemned, persecuted, and hunted down by the People, for this? It is a reflection on the intelligence of the American People.

In ten brief years we have paid to England alone—to say nothing of continental Europe—but to England alone, we have paid eighty-five millions of dollars for the single article of iron. Is such a policy according to the genius of our Government? Is it the true philosophy and the true policy of American legislators to study how much they can by their legislation benefit the interests of France and England, and how much they can at the same time injure our own? I repeat it, I am opposed to a protective tariff; but I pray gentlemen not to class me with such legislators. Let us look at the fact. Europe levies a revenue of thirty millions of dollars on one hundred thousand hogsheads of American tobacco, which cost in the United States seven millions of dollars, and which are chiefly the product of three or some half dozen States. Thirty millions of dollars on this one isolated article of tobacco. Seven millions worth of tobacco brings to the Government of Europe thirty millions of dollars; yet we do not ask you to raise thirty millions on all European products combined; we only need twenty-two millions on the produce of the whole foreign world. He must, I repeat it, be a subtle reasoner who can make Americans believe, when their Government could pay the debts of the Revolution, State and National, and all the debt of a second war, and yet increase as it has, that the distribution of three millions of the proceeds of the public lands is going to ruin them.

I have said thus much by way of illustration, (and I have found that the best way to illustrate is by analogy.) I have thus answered one chief argument which will be brought against the bill by anticipation.

I come down now to examine for a moment the subject-matter of the bill.

You will have to divide, in the progress of half a century or of a century, a thousand millions of acres of the public domain. And here I will anticipate another argument which I know will be urged on the other side. You may not di-

vide the proceeds of the public lands, because the expenses of the Government in the acquisition, surveying, and general administration of these lands, have not yet been reimbursed by the avails of the lands themselves. Let me refer gentlemen to the facts of the case. What are they? The amount of expenses of sales, surveys, commissions, &c., to 30th September, 1840, was forty-seven millions six hundred and fifty-three thousand five hundred and twelve dollars, (47,653,512;) cost of acquisition, twenty-one millions six hundred and sixty-nine thousand five hundred and twenty-four dollars, (21,669,524;) making in all, sixty-nine millions three hundred and twenty-three thousand and thirty-six dollars, (69,323,036.) And the receipts to 30th September, 1840, are stated at one hundred twenty millions one hundred and forty-eight thousand and eighty-five dollars, (120,148,085;) to which may be added, 12,700,000 acres, granted to States for schools, roads, canals, &c., in value fifteen millions eight hundred and seventy-five thousand dollars, (15,875,000;) grants as bounties to the soldiers of the Revolutionary and late wars, 9,750,000 acres, value twelve millions one hundred and eighty-seven thousand dollars, (12,187,000;) donations to individuals, exclusive of private claims, to December, 1831, and exclusive of grants to the deaf and dumb, 224,558 acres, value two hundred and eighty thousand six hundred and ninety-seven dollars, (280,697;) leaving seventy-nine millions one hundred and sixty-seven thousand seven hundred and forty-six dollars (\$79,167,746) to the credit of the public lands. Averaging the value of the land at \$1 50 an acre, (and most of it sold on credit at \$2,) the amount granted in pay to the army is not less than twenty-five millions of dollars. Here is an argument from the record; an argument of figures, better than figures of rhetoric.

But it will be said that even conceding that, according to the provisions in the acts of cession, there is law, equity, and justice in distributing among the States so much of the public domain as is covered by those acts of cession over which the General Government was by those acts appointed a trustee, yet how can you apply the same principle to that other large portion of the domain which was obtained, not by deeds of cession from the States, but by purchase from France and Spain? I reply, that the purchases of Louisiana and Florida never were designed by the Government as a source of revenue, any more than were the cessions by the States. No such object was in view in the purchase either of Florida or of Louisiana. Those purchases were made on high considerations of State policy: they were made because the General Government wisely thought that were the land itself as barren as the desert of Zahara, still, rather than leave it to lie in the hands of a foreign Power, that might one day become a foreign enemy, for him to erect forts, impede the navigation, and make irruptions on our territory, it would be better to make a sacrifice of money and transfer it in fee simple to ourselves. Napoleon was then bestriding Europe like a Colossus, and his ambition sought to subjugate the world: it was important, particularly at a time like that, that we should hold the mouth of the Mississippi, though obtained at any price: and therefore the purchase was made. Mr. Jefferson, himself, admitted, at the time, that the act was a violation of the Constitution: but there was throughout the nation a pervading sense of the obvious policy of the measure: all high-minded, far-seeing, deep-thinking statesmen were convinced, with one accord, that the purchase ought to be made, if it could be effected: and it was concluded that the general expression of the national will overrode, in this case, the letter of the Constitution, and formed a sufficient sanction for the purchase.

But more: when these lands had thus been acquired, were they not at once thrown under the operation of our general land system? Did not the same law apply to them which applied to any other lands held by the Government? The same donations were made out of them as out of others; the whole mass was treated alike, as being kindred property. Thus I bring the entire policy of the Government as an argument to prove that they were identical with the rest of the public domain. They afford the same means of supporting the Government without injur-

ing any of the States or oppressing the People. I leave it to the better judgment of the committee to say whether there is any force in this objection. I am arguing now from considerations of expediency. Let me adduce one or two in addition to those I have already pressed.

If gentlemen will look at the bill on your table, they will see that it contains a provision not only for distributing the proceeds of these lands at this time, but extends that provision to the future, until Congress shall arrest the operation of the system, or until there shall arise a national war. Congress has complete jurisdiction over the whole plan ; they can suspend or modify it at pleasure.

But there is one argument urged against the bill which, when duly examined, will be found to be one of the strongest that could be urged in its support. Gentlemen say to us in warning tones, " If you once divide the proceeds of these lands among the States, you will never get them back into the national coffers." Well ; I ask gentlemen if they have confidence in the legislation of the States ? Have they any belief in the wisdom of the People ? And if they have, is not their own statement an admission that the States and the People will both approve this measure as wise ? That they will appreciate and give it their universal sanction ? So far from this being an argument against the bill, it is the strongest of all arguments in its favor. So far from discouraging me in pressing it upon the support and favor of the House, it urges me on ; it stimulates me to persevere. What greater encouragement could I desire than the assurance, even from the lips of an adversary, that the People of my State will hail such a law with joy ? And is mine the only State ? Let gentlemen themselves be the judges. Is there a State in the Union which, when this boon is cast into her lap, will repudiate it and reject it ? Can gentlemen point me to a State Legislature which will rise and say, " We reject the offer ? " I venture to predict there will not be one in the limits of the whole Union. And that I consider one of the strongest arguments in favor of the measure.

But I place it on another ground—that of high State rights. I do not mean by State rights the doctrine that this Federal Government has no power, and that the State Governments have all power ; no such thing ; but I adopt the definition which was given by Chief Justice Marshall from the bench of the Supreme Court. I will not detain the committee to read the words of that immortal jurist ; the substance of his idea is this : that the Federal Government is supreme within the limits which the Constitution has prescribed as its proper sphere of action ; while, at the same time, the State Governments, within the range of those powers not delegated by themselves to the General Government, are in like manner supreme, so far as that range extends. But what do we now find in practice ? That this General Government is prone to absorb all power to itself. It has grown up as one vast over-towering fabric in the midst of the Republic, while the States stand round about it like so many out-offices and dependencies, hidden in its shadow. Look at the state and habits of the public mind in relation to it. Time was when the States of this Confederacy stood up side by side on a platform of equality and independence, and this Federal Government felt itself to be a mere emanation of their will ; but now it moves on with giant strides to empire, and the States shrink abashed from the assertion and the exercise of their high powers, until, if things proceed as they have been going for some years past, those State authorities will eventually be swallowed up in the vortex and maelstrom of Federal power.

Look at the Executive Department, especially as it was in possession of the party just gone out of power ; see the mighty amount of force it wielded for weal or for woe ; behold the almost omnipotence of the Executive hand, and the People bending and nuckling before it ! I mean no disrespect to the existing President ; far from it ; but yet I say, look at the mighty power that can yet be wielded by one in his high place. And here I cannot but mention one fact that illustrates the real state of things. I went the other day to one of the Departments, and I was told that there were fifteen hundred applications upon file for places within the gift of that

Department alone. I was struck with amazement at the proclivity of the public mind to centralization, and at the total amount of power and patronage which the Executive could wield and bring to bear in what direction he would. What is this formidable person? He was made by the Constitution a mere administrator of the laws, to carry into effect the acts of the two Houses of the Legislature; but now he is looked up to as the great administrator of public bounty. Congress, whose voice was once potential throughout the length and breadth of the land—Congress itself has caught the contagion. How many of its members, forgetting the dignity of their station, have bowed down to worship before the Executive shrine!

And, then, there are your heads of Departments, men designed by the Constitution as mere clerks of the Executive—as subordinate officers: go now to their reception rooms, and see the veneration with which they are approached by an eager crowd of obsequious applicants, as if they were so many little monarchs. Each has his daily levee, and is surrounded by a bowing circle, who seek from him look their hopes of profit or preferment. Yet these men were originally but so many clerks of Congress; mere orderly sergeants to execute the laws; but now they have erected themselves each on his pedestal to receive the adoration of a suppliant crowd, and to wield over them the sceptre of their destiny. Who are they? The mere breath of the nostrils of the President. I would not have these things so. But the construction which has been put upon the Constitution and the downward tendencies of all Governments have co-operated to bring it about. There they sit, each upon his throne, each nursing his own power, afraid to exercise their official powers for the good of the People, but to conform to the will of him who happens to fill the Executive chair. While I say these things, however, I have no personal aims or unkind feelings. I wish to sustain the present Executive in all just and proper measures he shall recommend. Yet I am no worshipper of power.

What do we see? No sooner is one of these Secretaries, or any other individual in the country, named publicly as one likely one day to attain the height of the Executive throne, and there to wield the sceptre of this vast amount of power, and straightway he is worshipped as an idol—none dares to contradict him: all seek to flatter and to court him. Is it not so? Do we not all know it and see it? I speak of facts—as an American legislator should speak—as the worshipper of no man, and the slave of no man. I say this General Government grasps at power as urged by the natural inclination of the human mind; it is nothing strange or wonderful; it grows out of the very nature of Government. But I take my stand upon State rights ground, and say, now is the time, the auspicious time, to re-establish the rights and the influence of the States. I would have the States to possess and manage their own money, and to make their own works of internal improvement, and not to come here like suppliants and beg this Government for the means of improving their own rivers and making their own roads and canals. I would have the avails of the public lands flow into the coffers of the States, instead of the Treasury of this Government. I would have this Government pared down and stripped of all that influence it derives from its power over the public domain. It has long been a high game, and the race has seemed to be who shall squander the public resources the fastest. If you pass this bill, you will place the Western States as guardians to prevent this; because it will then be their interest to see that the lands are properly husbanded, because the dilapidation of the fund will be the loss of the States. Now, it is often their gain. It will make this Government a mere agent for the States, and will place the States upon their own resources. Will not this be fair? Is it not just and equitable? How often have I heard the language reiterated on this floor, "if you do not stop this business of internal improvements by the General Government, you will destroy the Union. It is a system which does and must operate unequally. The great States are powerful in the House through their numerous delegations, and the rest stand no chance in the scramble." I now say to gentlemen, here is a fair way of removing this objection; here is a fair way to let the

States divide their own revenue : each State will get its own. Reject this bill, and you at once unite all the States who are desirous of carrying on internal improvements within their own limits ; you band them together in the strongest ties ; seize the opportunity ; make a fair distribution, and equalize the operation of your land system by parcelling out the proceeds among all the States.

What will be the consequence if you defeat this bill ? Suppose the argument to prevail before this committee that there must be no increase of revenue, and no loan to pay the national debt, but that we are to have a new batch of Treasury notes ; are to absorb the revenue of the States from these lands, and try how much of foreign luxuries we can get into the country duty free—suppose this, and what do gentlemen suppose will be the consequence upon the People ? The State Governments will be placed under the necessity of resorting to direct taxation ; the resources of the States will all be absorbed ; the balance of trade will be against you ; and when the banks shall resume specie payments, the very first importation will take all your specie out of the country.

But if you impose a duty upon foreign luxuries, and divide the proceeds of the public domain, who is it that will pay the twenty-two millions of revenue ? Will it be the plain, hard-working mechanic ? Will it be the frugal, industrious, independent tiller of the soil ? A man that never saw a bottle of champagne or mareschino in his house in all his days ? No ; the duty will be paid by the rich and the luxurious. The tax will make little practical difference in the consumption of luxuries. And why ? Because they are esteemed mainly because they are luxuries, and their use is supposed to mark a class in society, a grade in human condition. Bring down champagne to the price of hard cider, and those who now use it would repudiate and scorn it. It is chiefly because the rich man looks on his champagne as a luxury that he spends his money to buy it. I will venture to say the consumption of wine will not be diminished by a duty of twenty per cent. Does a member of Congress drink poor Lisbon wine at seventy-five cents ? Go ask them. No ; they apply to the dealer and get the best he has. It is a matter of pleasure and pride—it is a luxury to have the best wine, and to know that it is costly. This feeling will keep up the use of wines, and will send to your Treasury the needed revenue, while at the same time you divide the proceeds of the public lands. How will the two measures operate on the farmer ? The duty on wines will not affect him ; he drinks none, or next to none ; but the distribution of the price of the public lands will come home to him at once in his escape from direct taxation, and in the canal which carries his produce to market. He is freed from the necessity of paying a dollar to the General Government, while he reaps his full share of the revenue derived to his State. And so manifest is this to the People, that a bill far less advantageous than this passed the Senate by a large majority. But here is a bill that not only distributes the avails of the lands, but secures a permanent pre-emption right to actual settlers. Will gentlemen vote against such a bill ? Will they go back and tell the laboring man that they are anxious he shall support the expenditures of his own State Government and the General Government too, when he might have escaped both ? For one, I would rather let the rich buy their costly wines. The *bon vivant* may pop his three bottles a day if he likes ; as a legislator I have no objection ; let him pay his twenty cents duty upon it, and relieve the farmer and the laborer from his taxes. That is my doctrine ! That is what I call democracy. I was brought up in the democratic school ; not the school of this new-fangled democracy that makes a king of a President, and a unit of the Cabinet and the Congress both ; oh, no ! but of the old-fashioned Patrick Henry democracy, that makes each poor, honest man a peer of the realm ; that views and treats the Representative but as his servant. That is my doctrine.

But reject this bill, and force the States to resort to direct taxation, and what will be the practical result ? Will the tax fall upon the rich man alone ? No ; a direct tax falls like mildew on every man's estate, and every man's property. Be he Whig

or be he Locofoco, it comes down on the property of every human being. Each man must pay the dues of Government—not, as I propose, of his own free will, as the man does who buys a bottle of wine, but by compulsion, under the rod of the sheriff; and, even if he is in debt, it matters not; his tangible property must meet the demands of the law. And, now, I say to gentlemen on all sides of me, if you force the American People to this, they will very soon force you to think upon the Constitution; and, if the result of your meditation does not please them, they will speedily thereafter force you out of this Hall, and force other men into your seats. As sure as light falls from heaven, the American People will never hear of direct taxation in time of peace, while you refuse to put a picayune of duty upon a pipe of French wine.

And now look at the operation of this bill upon the States. I do not say that of late I love the General Government less, but that my love for the States is increased.

[Mr. Dawson, (playfully speaking across,) “especially when you shall be Governor of one of them.”]—(A laugh.)

(Yes, especially then: and I reciprocate to the gentleman from Georgia very cordially his anticipations on that subject.) [Laughter; and cries of “fair;” “a fair hit.”]

There was a time when the Governor of a State was the second man in the nation; but things are changed. I find a mammoth power grown up in the heart of the Confederacy, which is fast swallowing up the States: and now I blush to see Governors of States coming here and suing to subaltern officers of this Government for subaltern offices under them! Yes, the Governor of a State, with a wealthy territory exceeding the limits of England, coming and cringing for a miserable office to a miserable Secretary!

It is humiliating to see how the States are becoming merged in the rays of this great central sun of the system. I go for equalizing power in this Confederacy. I go (to use a favorite expression in the time of Bonaparte) for having the balance of power restored. I am for a General Government which shall rest self-poised on its own centre, and for having the States placed in a position where they can resist the great absorbing centralizing force of that Government. And what, I ask again, will be the effect of this bill upon the States? The States that are now oppressed with debt will be enabled to meet their obligations—to pay the interest, redeem their credit, and press to completion their great plans of internal improvement. The State bonds and State credit which now stand so low, would advance in the scale of value, and a guaranty would at once be given at home and abroad that each State in the Union could meet promptly its liabilities. For, by this measure, a revenue, for years without number, and from a domain almost boundless, would be continually flowing into the now empty coffers of the States. The farmer would see that he would be quickly relieved from taxation, by the revenues from works of internal improvement, united with the revenues from the sales of the public lands. New fields of production will be opened, new sources of manufacturing materials will be explored and rendered available, and thus the aggregate wealth and property of the nation will be augmented. And if there be States who do not desire to embark in any works of public improvement, they can apply their shares to the purposes of education, or to any other object of public utility which they deem more important than either.

I might take up the subject of education simply, and press the bill on that ground alone. As the matter now stands, this Government has made donations of the public lands to some States for purposes of education, and not to others: there is no equality: 150,000 acres have been given for free schools, and for colleges over half a million. A nation's power arises more from mind than from mere matter: it is more intellectual than physical: the human mind, when fully developed, enlightened, and combined in social organization, is as nearly omnipotent as any

thing created can be in this world. It wields at once moral, physical, and political power. It is therefore the duty of every legislator to further the interests of education to the utmost of his ability and opportunities. If any gentleman will look at the last census, he will there see the deplorable condition of education in some portions of our country. If any member shall rise and oppose this bill, I can turn his eyes upon a picture of this kind that will sicken his heart. If, then, the bill stood on that ground alone, it ought to pass with unanimous acclamation: for it supplies the means of conveying the light of knowledge to every domicile in the land: it will build a temple to knowledge in every neighborhood, wherein may be trained those future legislators who shall fill these halls. Look around on this floor, and see at this moment how many are here assembled who rose from a very humble origin, and whom nothing but the wand of education could have raised, and transformed, and honored with the power of making the laws of their country. It is not pedigree which, in this country, can raise a man to Parliament. It is mind, and the effect of knowledge upon mind, that lifts up men to the highest honors of this free and happy Republic.

But I have exhausted the patience of this House, and I now return to gentlemen my cordial thanks for their courtesy and attention. I will now bring my remarks to a conclusion by expressing my anxious hope that, after a proper time has been allowed for discussion, we shall seize the earliest fitting opportunity to bring the debate to a close, and to take the bill out of committee. I am most willing to listen to gentlemen; but I must really hope that the action of the House will be consummated within the present week.

[After the bill had been discussed in Committee of the Whole for ten days, the committee rose and reported it to the House. Mr. J. obtained the floor and said, that it had been his purpose to answer very fully the objections which had been made to the bill, and had taken very copious notes, but, at that very late hour of the night, and the decided tests which had just been given on the various amendments, he would abandon his purpose by forbearing to make the speech which he had intended, and believed that he would quite as well anticipate the feelings of the House by demanding the previous question on the final passage of the bill.]

It was ordered, and the bill passed. Ayes 116; nays 108.]

NOTE 1.

Extract from the Journal 1st session 22d Congress, page 1076. July 3, 1832.

The bill from the Senate (No. 179) entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States," was read the first and second time; when

A motion was made by Mr. Wilde that the further consideration of the said bill be postponed until the first Monday in December next. [To reject the bill.]

A call of the House was then ordered; and, the roll being called, 177 members answered to their names.

Further proceedings in the call were then dispensed with;

And the question was put on the motion made by Mr. Wilde, that the further consideration of the said bill be postponed until the first Monday in December next.

And was decided in the affirmative: Yeas 91, nays 88.

The yeas and nays being desired by one-fifth of the members present, those who voted in the affirmative, are: Messrs. Mark Alexander, John Anderson, William S. Archer, William H. Ashley, John S. Barbour, Robert W. Barnwell, James Bates, Samuel Beardsley, John Bell, John T. Berger, Laughlin Bethune, James Blair, Ratcliff Boone, Joseph Bouck, Thomas T. Bouldin, John Branch, John C. Brodhead, Churchill C. Cambreleng, John Carr, Thomas Chandler, Joseph W. Chinn, Nathaniel H. Claiborne, Clement C. Clay, Augustus S. Clayton, Richard Coke, jr., Lewis Condict, Henry W. Connor, Richard Coulter, Warren R. Davis, Charles Dayan, Ulysses F. Doubleday, William Drayton, John M. Felder, William Fitzgerald, James Ford, Thomas F. Foster, Nathan Gaither, John Gilmore, William F. Gordon, John K. Griffin, Thomas H. Hall, William Hall, Joseph M. Harper, Albert G. Hawes, Micajah T. Hawkins, Michael

Hoffman, Cornelius Holland, Henry Horn, Benjamin C. Howard, Henry Hubbard, Jacob C. Isacks, Leonard Jarvis, Daniel Jenifer, Cave Johnson, Edward Kavanagh, John King, Henry G. Lamer, Garret Y. Lansing, Joseph Lecompte, Dixon H. Lewis, Chittenden Lyon, Joel K. Mann, Samuel W. Mardis, John Y. Mason, Jonathan McCarty, George McDuffie, Rufus McIntire, James McKay, Thomas R. Mitchell, Henry A. Muhlenberg, Daniel Newnan, William T. Nuckolls, John M. Patton, Job Pierson, Franklin E. Plummer, James K. Polk, Edward C. Reed, John J. Roane, Nathan Soule, Jesse Speight, James Standfer, Philander Stephens, Francis Thomas, Wiley Thompson, Gulian C. Verplank, Aaron Ward, James M. Wayne, John W. Weeks, Campbell P. White, Charles A. Wickliffe, and Richard H. Wilde.

Those who voted in the negative, are : Messrs. John Q. Adams, Chilton Allan, Heman Allen, Robert Allison, Nathan Appleton, William Armstrong, Thomas D. Arnold, William Babcock, John Banks, Noyes Barber, Daniel L. Barringer, Gamaliel H. Barstow, Isaac C. Bates, John Blair, George N. Briggs, John C. Bucher, Henry A. Bullard, George Burd, Tristram Burges, Rufus Choate, John A. Collier, Silas Condit, Elewtheros Cooke, Bates Cooke, Richard M. Cooper, Thomas Corwin, Joseph H. Crane, Thomas H. Crawford, William Creighton, jr., Henry Daniel, John Davis, Henry A. S. Dearborn, Harmar Denny, Lewis Dewart, Philip Doddridge, William W. Ellsworth, George Evans, Horace Everett, James Findley, George Grennell, jr., James L. Hodges, William Heister, Thomas H. Hughes, Jabez W. Huntington, Peter Ihrie, jr., Ralph I. Ingersoll, William W. Irvin, Joseph G. Kendall, William Kennon, Adam King, Henry King, Humphrey H. Leavitt, Robert P. Letcher, Thomas A. Marshall, Lewis Maxwell, Robert McCoy, Thomas M. T. McKennan, Charles F. Mercer, John J. Milligan, Dutee J. Pearce, Nathaniel Pitcher, David Potts, jr., James F. Randolph, John Reed, Erastus Root, William Russel, William B. Shepard, Augustine H. Sheppard, William Slade, Samuel A. Smith, Isaac Southard, William Stanbury, Andrew Stewart, Joel B. Sutherland, John W. Taylor, Philemon Thomas, John Thomson, Christopher Tomkins, Joseph Vance, Samuel F. Vinton, George C. Washington, John G. Watmough, Samuel J. Wilkin, Grattan H. Wheeler, Elisha Whittlesey, Lewis Williams, and Ebenezer Young.

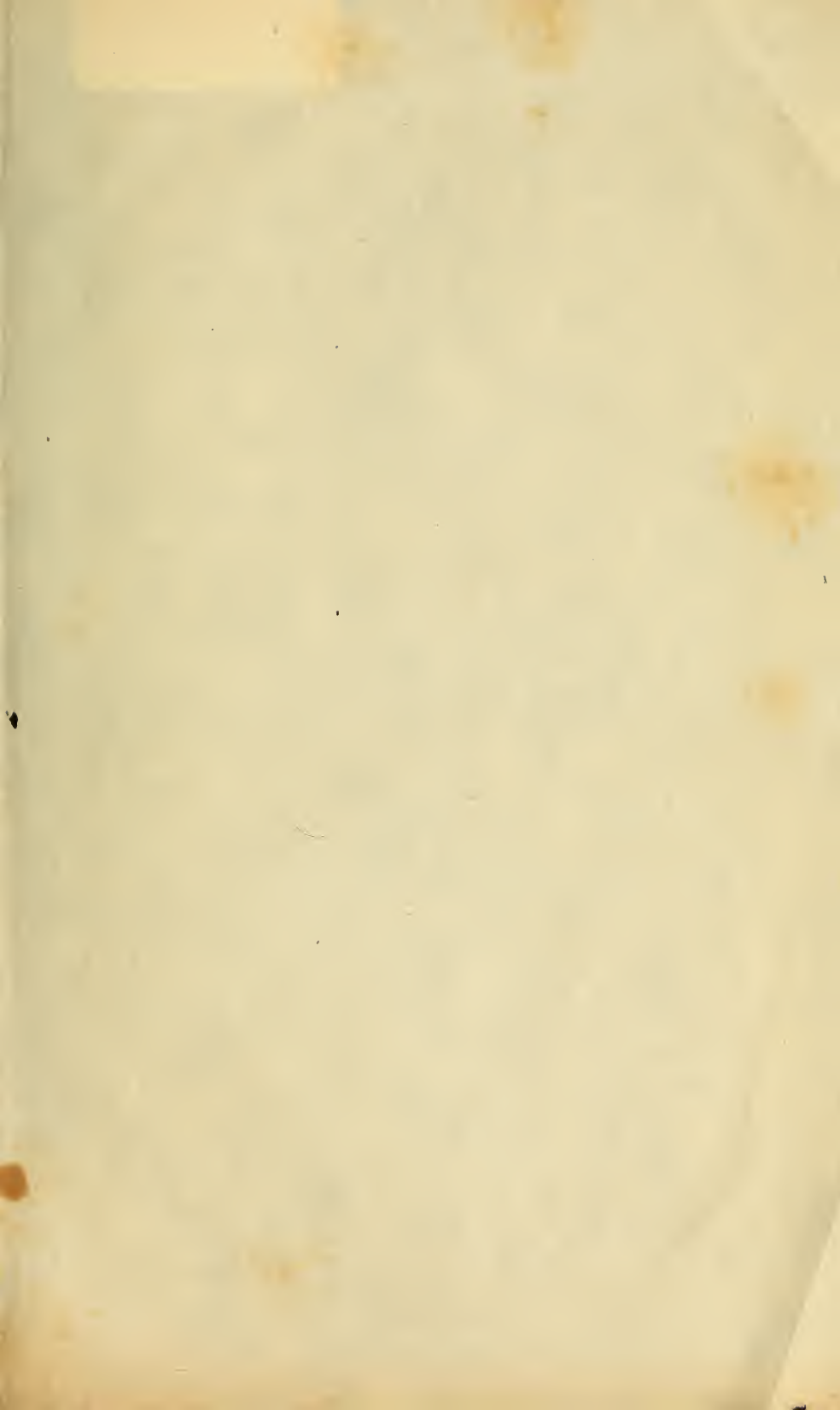
NOTE 2.

By the census of 1830, it appears that, if the proceeds of the public lands had been divided agreeably to the land bill of 1832, each citizen of the State of Maryland, above twenty years of age, would have been entitled to receive upwards of \$20 ; or, what is the same thing, have been relieved from State taxation to that amount. A table is subjoined, showing the amount each county in the State would have been entitled to in the six years up to 30th September, 1838, and in that proportion for 1839 and for future years.

Table, showing the aggregate benefit which each county in the State would have received from 1832, from which period the law was to take effect, to 1838—six years.

Alleghany,	-	-	-	-	-	-	-	-	\$40,000
Anne Arundel,	-	-	-	-	-	-	-	-	110,500
Baltimore city,	-	-	-	-	-	-	-	-	317,000
Baltimore county,	-	-	-	-	-	-	-	-	158,500
Calvert,	-	-	-	-	-	-	-	-	31,500
Caroline,	-	-	-	-	-	-	-	-	35,500
Cecil,	-	-	-	-	-	-	-	-	59,500
Charles,	-	-	-	-	-	-	-	-	67,500
Dorchester,	-	-	-	-	-	-	-	-	71,000
Frederick,	-	-	-	-	-	-	-	-	178,000
Hartford,	-	-	-	-	-	-	-	-	64,000
Kent,	-	-	-	-	-	-	-	-	40,000
Montgomery,	-	-	-	-	-	-	-	-	75,000
Prince George's,	-	-	-	-	-	-	-	-	78,000
Queen Anne's,	-	-	-	-	-	-	-	-	59,000
St. Mary's,	-	-	-	-	-	-	-	-	51,000
Somerset,	-	-	-	-	-	-	-	-	79,000
Talbot,	-	-	-	-	-	-	-	-	48,000
Washington,	-	-	-	-	-	-	-	-	98,000
Worcester,	-	-	-	-	-	-	-	-	71,000

\$1,732,000



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